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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,507	02/08/2002	Rodney Davis	2002301	5975
30086	7590	07/05/2006	EXAMINER	
ROBERT A. HUNTSMAN 5465 EAST TERRA LINDA WAY NAMPA, ID 83687-1515			ARAQUE JR, GERARDO	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/073,507

Applicant(s)

DAVIS ET AL.

Examiner

Gerardo Araque Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 08 February 2002.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "205" and "210" have both been used to designate "needs analyzer". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1 - 17 and 33 – 39 are rejected under 35 U.S.C. 101 because they lack concreteness and tangibility.

The applicant fails to disclose what the environment is that the invention would be used for. All that is disclosed is an environment having consumers and vendors, but such a statement makes the claim extremely vague and produces no concrete or

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tangible result. There are many environments that contain consumers and vendors, such as malls, small business, large business, flea market, carnival, etc.

Moreover, the applicant also discloses associating various "devices" to the environment, but fails to show how they are associated with the environment. As far as the examiner is concerned associating the "devices" as disclosed by the applicant could just be the device being within the environment, but not interacting with it. As it stands now, the claims are extremely broad and fail to show how the "devices" are interacting with the environment and how the "devices" would react to a change in the environment.

Furthermore, the applicant fails to show a repeatable process of managing sophisticated office machine because there is no managing step. As currently claimed, the applicant has just disclosed "devices" in an environment, but fails to show how they are being used, how the machine is being managed, what roles the "devices" play in managing the machine, and how the environment provides feedback on how anything is managed. Is there someone who is managing the machine? If so, then the invention produces unpredictable results because each person who would be involved in the managing process would view a situation differently and come up with a different solution resulting in a lack of concrete and tangible results.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 1 – 46** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term “environment” is vague and indefinite. The applicant fails to disclose what the environment is that the invention would be used for. All that is disclosed is an environment having consumers and vendors, but such a statement makes the claim extremely vague and indefinite because there are many environments that contain consumers and vendors, such as malls, small business, large business, flea market, carnival, etc.

Moreover, the applicant also discloses associating various “devices” to the environment, but fails to show how they are associated with the environment. As far as the examiner is concerned associating the “devices” as disclosed by the applicant could just be the device being within the environment, but not interacting with it, which causes the claims to be vague and indefinite. As it stands now, the claims are extremely broad and fail to show how the “devices” are interacting with the environment and how the “devices” would react to a change in the environment.

Furthermore, the applicant is vague and indefinite on how the invention is capable of managing sophisticated office machine because there is no managing step. As currently claimed, the applicant has just disclosed “devices” in an environment, but fails to show how they are being used, how the machine is being managed, what roles the “devices” play in managing the machine, and how the environment provides feedback on how anything is managed.

5. **Claims 1 – 46** are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: the management of the sophisticated office machines. The applicant discloses a method and system for managing sophisticated office machines, but has never disclosed an actual method or system for one of ordinary skilled in the art to perform the management of the sophisticated office machines.

6. **Claims 1 – 46** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term “consumer” is vague and indefinite in that the applicant’s usage of the term “consumer” is not clear. The applicant discloses in independent **claims 1 and 17**, that, “...needs analyzer determines a list of needs of a consumer...” and in independent claims 33 and 40 the applicant discloses, “...wherein the administrator manages the vendor on behalf of the consumer.” As it is currently written, the examiner reads this as the system monitoring a device (consumer) and based on the device’s current status determines what is needed. However, the applicant fails to show how the needs analyzer determines a list of needs if the consumer has never made any input of needs. According to the specifications on **page 12 lines 15 – 17** the applicant discloses:

“Every time a machine receives service by a technician from the vendor 20, the consumer 10 faxes the paperwork given to them about the service call by the technician.”

This leads the examiner to believe that the term "consumer" is used to denote a person and not a machine. For the purposes of this examination the examiner will treat the term "consumer" as a person.

7. **Claims 2, 4 – 16, 18, and 20 – 32** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard to **claims 2 and 18**, the terms "performance parameters" are vague and indefinite. There is no support in the specification as to what the "performance parameters" are or how they are measured. Are the "performance parameters" indicating the effectiveness of the system? Are the "performance parameters" indicators as to how the system is supposed to be carried out? Are the "performance parameters" data stored on the system that can be used to carry out the necessary processes? For the purposes of this examination, the examiner will treat "performance parameters" as data stored within the system that allows the system to carry out necessary processes.

8. **Claims 33 and 40** recite the limitation "the administrator" in **line 6**. There is insufficient antecedent basis for this limitation in the claim.

9. **Claims 33 and 40** recite the limitation "the consumer" in **line 6**. There is insufficient antecedent basis for this limitation in the claim.

10. **Claims 34 and 41** recite the limitation "the system" in **line 1**. There is insufficient antecedent basis for this limitation in the claim.

11. **Claims 35, 37, 42, and 44** recite the limitation "the sophisticated office machine" in **line 2**. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. **Claims 1, 3, 17, 19 and 33 – 46** are rejected under 35 U.S.C. 102(e) as being anticipated by Saxon (US 2001/0039522 A1).

14. In regard to **claims 1 and 17**, Saxon discloses a system and method with an automated ordering system for coordinating transactions between remote customer and vendor stations (Page 1 Paragraph 5 Lines 1 – 7). The system contains a need analyzer and vendor quote requestor which are coupled together for the determination and reflection of a consumer's needs (Pg. 1 ¶ 5 Lines 4 – 7; Pg. 1 ¶ 6 Lines 6 – 13).

15. In regard to **claims 3 and 19**, Saxon discloses a quote response analyzer that collects responses from a plurality of vendors for viewing or processing (Pg. 3 ¶ 24 Lines 4 – 20; Pg. 3 ¶ 27 Lines 3 – 15).

16. In regard to **claims 33 and 40**, Saxon discloses a system and method with a communication link that couples the central station with the remote stations (Pg. 1 ¶ 5 Lines 4 – 7). It is inherently included that each link serves as an access point for all the



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systems. Moreover, the system also manages the shipping, generation of management reports, and payment as an effective means of dealing with the vendor (Pg. 1 ¶ 14 Lines 10 – 13).

17. In regard to **claims 34 and 41**, Saxon discloses the consumer requirements are received by the system at the consumer access point (Pg. 3 ¶ 24 Lines 4 – 6) and the vendor product quotations are received by the system at the vendor access point (Pg. 3 ¶ 27 Lines 1 – 3).

18. In regard to **claims 35, 37, 42, and 44**, Saxon discloses the administrator uses the administrator access point to monitor the sophisticated office machine request (Pg. 3 ¶ 25 Lines 1 – 3).

19. In regard to **claims 36, 38, 39, 43, 45, and 46**, Saxon discloses that different business practices vary between customers and vendors (Pg. 2 ¶ 18 Lines 4 – 7). It is inherently included that the system as disclosed by Saxon is part of a networked business enterprise.

### ***Claim Rejections - 35 USC § 103***

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. **Claims 2, 4 – 16, 18, 20 – 32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Saxon (US 2001/0039522 A1) in view of Wojcik et al. (US 7,058,596 B1).

22. In regard to **claims 2 and 18**, as best understood by the examiner, Saxon is disclosed above on top of disclosing a vendor parameter (Pg. 2 ¶ 16 Lines 1 – 4; Pg. 3 ¶ 26 Lines 1 – 7), but fails to teach the measuring of performance parameters.

However, Wojcik does disclose a method of measuring and monitoring a vendor's performance based on various factors to prepare quotations. Moreover, it is old and well known that using a vendor's performance is a way of determining whether a consumer would continue business with the vendor.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Saxon in view of the teachings of Wojcik to have performance parameters as a means to determine quotations and if a consumer would continue business with the vendor.

23. In regard to **claims 3, 5, 7, 9, 19, 21, 23, and 25**, Saxon discloses a quote response analyzer that collects responses from a plurality of vendors for viewing or processing (Pg. 3 ¶ 24 Lines 4 – 20; Pg. 3 ¶ 27 Lines 3 – 15).

24. In regard to **claims 4 and 20**, Saxon discloses a vendor management module, with a vendor monitor, (Pg. 2 ¶ 16 Lines 1 – 4) and an administrative module (Pg. 1 ¶ 6 Lines 6 – 13) coupled together (Pg. 1 ¶ 5 Lines 4 – 7).

25. In regard to **claims 6 and 22**, Saxon discloses an administrative module that uses the performance parameters from the vendor management module and manages the vendor based on the performance parameters (Pg. 3 ¶ 26 Lines 1 – 3, 21 – 31).

26. In regard to **claims 8, 10, 13, 15, 16, 24, 26, 29, 31, and 32**, Saxon discloses a purchase order, which is based on the quotation received from the vendor, a vendor

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station associated with the remote station, a system that updates all transactions made, a cost tracker, and real time management reporter (Pg. 1 ¶ 14 Lines 1 – 13; Pg. 2 ¶ 20 Lines 1 – 7; Pg. 4 ¶ 29 Lines 16 – 22; Pg. 4 ¶ 30 Lines 1 – 7).

27. In regard to **claims 11 and 27**, Saxon discloses an acquisition module coupled to the administrative module (Pg. 3 ¶ 24 Lines 1 – 22).

28. In regard to **claims 12, 14, 28, and 30**, Saxon discloses the acquisition module that includes the needs analyzer, vendor quote requester, and quote response analyzer (Pg. 3 ¶ 24 Lines 1 – 22).

### ***Conclusion***

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. The following patents deal with a network based system for work orders:

i. 5,694,551; 5,410,646; 2002/0174033 A1; 5,666,493; 2003/0130820 A1;

b. The following patents deal with an inventory and machine management system:

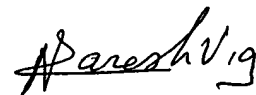
ii. 2003/0023503 A1; 2003/0023501 A1; 5,673,190; 5,930,342;

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerardo Araque Jr. whose telephone number is (571)272-3747. The examiner can normally be reached on Monday - Friday 8:30AM - 4:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Naresh Vig  
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June 14, 2006